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Attorneys for Defendant Asaf Nass

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMIT M. EZYONI, et al.,

Defendants.

Case No.: CR 07-0788 JF

**[PROPOSED] ORDER MODIFYING ASAF  
NASS' TERMS AND CONDITIONS OF  
RELEASE**

On January 23, 2008, the Court released defendant Asaf Nass on certain terms and conditions including a \$250,000 bond. The bond was unsecured in the amount of \$50,000 and secured by \$100,000 was secured by cash from Nazgol Ashouri, Mr. Nass' surety and custodian and by \$100,000 in equity in Mr. Nass' property at 2484 Stokes Avenue in San Jose, California.

During a February 28, 2008 hearing, the Court modified the bond to accept an encumbrance as to Mr. Nass' condominium near Austin, Texas instead of the Stokes Avenue property. In its March 11, 2008 Order, the Court modified the bond to be unsecured and secured as follows: [1] Unsecured in the amount of \$85,000; [2] Secured by \$100,000 in cash from Ms. Ashouri; [3] Secured by \$40,000 in cash from Mr. Nass; and [4] Secured by \$25,000 in equity in Mr. Nass' condominium near Austin, Texas.

1 The \$100,000 in cash from Ms. Ashouri was previously posted and Mr. Nass posted  
2 \$40,000 in cash on March 12, 2008.

3 However, in attempting to post the Texas property, Mr. Nass has encountered significant  
4 issues that preclude its use to secure the instant bond.

5 As an initial matter, defense counsel had to locate and retain a qualified, Texas-licensed  
6 real estate attorney to assist with posting Mr. Nass' property. Although retaining Texas co-  
7 counsel posed a significant expense in itself, it was also necessary to ensure the requisite deeds of  
8 trust and reconveyance were legally sufficient under Texas law. Texas co-counsel advised that  
9 residential mortgages in Texas typically include clauses forbidding any additional encumbrance  
10 without permission from the mortgage holder. Moreover, Texas law forbids the encumbrance of  
11 a property beyond 80% of its appraised value. Co-counsel believed that Mr. Nass would run  
12 afoul of this 80% prohibition given the appraised value of Mr. Nass' property, the limited amount  
13 of equity Mr. Nass has in his property, and the \$25,000 Mr. Nass sought to encumber to secure  
14 his release.  
15

16 As such, the parties have agreed that it is not feasible to encumber the Texas property. In  
17 lieu of the \$25,000 in equity in the Texas property, the government and Mr. Nass have agreed  
18 that Mr. Nass shall post an additional \$10,000 in cash from the sale of his automobile and that the  
19 amount of bond unsecured shall be increased by \$15,000.  
20

21 In sum, Mr. Nass' \$250,000 bond shall be secured by: \$100,000 in cash from Ms. Ashouri  
22 and \$50,000 in cash from Mr. Nass. The bond shall be unsecured in the amount of \$100,000.  
23

24 Mr. Nass shall post the additional \$10,000 in cash within five (5) court days of the filing  
25 of this order.

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1 The March 17, 2008 hearing for the status of Mr. Nass' property posting is vacated.

2 Ms. Ashouri has been notified of the above modifications to the terms and conditions  
3 of release and appearance of Mr. Nass.

4 IT IS SO ORDERED.

5  
6 Dated: March\_\_\_\_\_, 2008

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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE  
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14 Approved as to form:

15  
16 /s/: Edwin K. Prather  
EDWIN K. PRATHER  
17 Attorneys for Defendant Asaf Nass

18 /s/: Jeff Nedrow  
JEFF NEDROW  
19 Assistant United States Attorney  
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## Proof of Service

I, Stephanie Chan, declare as follows:

I am over eighteen years of age and not a party to the within action; my business address is 899 Ellis Street, San Francisco, California 94109; I am employed in the County of San Francisco.

On March 13, 2008, I served a copy, with all exhibits, of the following documents:

- [PROPOSED] ORDER MODIFYING ASAF NASS' TERMS AND CONDITIONS OF RELEASE

  X   (BY FAX) By transmitting by facsimile machine to the number addressed as below; the facsimile machine I used complied with California Rules of Court, rule 2003 and no error was reported by the machine. Pursuant to California Rules of Court, rule 2006(d), I caused the machine to print a transmission record of the transmission.

  X   (BY MAIL) I am readily familiar with my employer's practices for collection and processing of correspondence for mailing with the United States Postal Service. Following ordinary business practices and placing a true copy of the above-referenced document(s) enclosed in a sealed envelope, with postage fully prepaid, in the United States mail at San Francisco, California, addressed as below:

  X   (BY ELECTRONIC SERVICE) I caused an electronic delivery subject to 28 U.S.C ¶1746, Local Rules or General Orders of this Court regarding Electronic Case Filing. All pleadings and papers must be electronically served in accordance with those Rules or General Orders with email address(es) as noted below:

Via Email Jeff Nedrow United States Attorneys Office Northern District of California 150 Almaden Blvd, Ste. 900 San Jose, CA 95113 Email: <a href="mailto:jeff.nedrow@usdoj.gov">jeff.nedrow@usdoj.gov</a>	Via Email Garrrick S. Lew 600 Townsend Street, Suite 329E San Francisco, CA 94103 Fax: (415) 522-1506 Email: <a href="mailto:gsl@defendergroup.com">gsl@defendergroup.com</a> Attorney for Limor Gefen
VIA FACSIMILE Jaime Carranza Pretrial Services 280 South First Street, Suite 1150 San Jose, CA 95113-3002 Fax: (408) 535-5227	Via Email Steven E. Chaykin Akerman Senterfitt One S.E. 3 <sup>rd</sup> Avenue, 25 <sup>th</sup> Floor Miami, FL 33131-1714 Email: <a href="mailto:Steven.Chaykin@Akerman.com">Steven.Chaykin@Akerman.com</a> Attorney for Randy Golberg
Via Email Ronald Gainor 6414 Fairways Drive Longmont, CO 80503 Fax: (303) 447-0930 Email: <a href="mailto:gains_2000@hotmail.com">gains_2000@hotmail.com</a> Attorney for Brandi C. Aycock Admitted <i>pro hac vice</i>	Via Email Jerry Y. Fong Carey & Carey 706 Cowper Street PO BOX 1040 Palo Alto, CA 94302-1040 Fax: (650) 853-3632 Email: <a href="mailto:jf@careyandcareylaw.com">jf@careyandcareylaw.com</a> Attorney for Brandi C. Aycock

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I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the above stated date.

/s/: Stephanie Chan  
Stephanie Chan